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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FINJAN LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Case No. 4:14-CV-04908-PJH

**STIPULATION & ~~PROPOSED~~
ORDER RE: CASE
NARROWING SCHEDULE AS
MODIFIED BY THE COURT**

Judge: Honorable Phyllis J. Hamilton

Pursuant to Civil Local Rule 7-12 and the Court's instructions at the Case Management Conference (CMC) held on March 18, 2021, Defendant Palo Alto Networks, Inc. ("PAN") and Plaintiff Finjan LLC ("Finjan") stipulate to the following case narrowing schedule.

<u>Election</u>	<u>Timing</u>	<u>Max Claims/ References Per Patent</u>	<u>Total Claims/ References</u>
Preliminary Election of Asserted Claims	Not later than 35 days after PAN's invalidity contentions, <i>i.e.</i> , June 21, 2021	10	21
Preliminary Election of Asserted Prior Art	Not later than 15 days after Preliminary Election of Asserted Claims, <i>i.e.</i> , July 6, 2021	12	30
Second Election of Asserted Claims	Not later than 21 days after Claim Construction Order	6	14
Second Election of Asserted Prior Art	Not later than 14 days after Second Election of Asserted Claims	7	20
Third Election of Asserted Claims and Asserted Prior Art	Parties to meet and confer and submit competing proposal if necessary no less than 45 days before opening expert reports	TBD	TBD

Not later than June 21, 2021, Finjan shall serve a Preliminary Election of Asserted Claims, which shall assert from claims previously asserted in its Infringement Contentions (Patent L.R. 3-1) no more than 10 claims per patent and no more than a total of 21 claims across all Patents-in-Suit. Not later than July 6, 2021, PAN shall serve a Preliminary Election of Asserted Prior Art, which shall assert from prior art previously asserted in its Invalidity Contentions (Patent L.R. 3-3) no more than 12 prior art references per patent and no more than a total of 30 references across all Patents-in-Suit.¹

Not later than 21 days after the Court enters a claim construction order, Finjan shall serve a Second Election of Asserted Claims, which shall assert from the subset of claims previously identified no more than 6 claims per patent and no more than a total of 14 claims across all Patents-in-Suit. Not later than 14 days after service of the Second Election of Asserted Claims,

¹ A prior art instrumentality (such as a device or process) and associated references that describe that instrumentality shall count as one reference, as shall the closely related work of a single prior artist. Any such closely related work shall be used solely for the purposes of describing the prior art instrumentality and shall not be available to be used in combination with other disclosed instrumentalities unless specifically disclosed for those other instrumentalities.

PAN shall serve a Second Election of Asserted Prior Art, which shall assert from the subset of prior art references previously identified no more than 7 references per patent and no more than a total of 20 references across all Patents-in-Suit.

Not later than 45 days prior to the parties' service of opening expert reports, the parties shall meet and confer regarding a possible Third Election of Asserted Claims and Third Election of Asserted Prior Art. At the time of signing of this stipulation, neither party commits that it will propose further reduction in Third Election, only that it will agree to meet and confer. If the parties agree on further reduction, they will submit a joint proposal to the Court. If the parties disagree, they may submit competing proposals if necessary.

Upon a showing of diligence, and with due consideration for prejudice, a party may seek to modify the above limits on asserted claims and prior art references for good cause shown. Any request to increase these limits must specifically show why the inclusion of additional asserted claims or prior art references is warranted. *See In re Katz Interactive Call Processing Patent Litig.*, 639 F.3d 1303, 1312–13 (Fed. Cir. 2011). A failure to seek such a modification will constitute acquiescence to the above limits on asserted claims and prior art references.

DATED: June 1, 2021

/s/ Colette Reiner Mayer

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ATTESTATION OF E-FILED SIGNATURE

I, Colette Reiner Mayer, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Roger A. Denning has concurred in this filing.

Dated: June 1, 2021

/s/ Colette Reiner Mayer
Colette Reiner Mayer

PURSUANT TO STIPULATION, IT IS SO ORDERED. This stipulation does not modify the court's standing order for patent cases, which provides that no more than ten terms will be construed.

Dated: June 9, 2021

